

1 John V. Picone III, Bar No. 187226
jpicone@hopkinscarley.com
2 Jeffrey M. Ratinoff, Bar No. 197241
jratinoff@hopkinscarley.com
3 Rachael W. Hiatt, Bar No. 317623
rhiatt@hopkinscarley.com
4 HOPKINS & CARLEY
A Law Corporation
5 The Letitia Building
70 South First Street
6 San Jose, CA 95113-2406

7 ***mailing address:***

P.O. Box 1469
8 San Jose, CA 95109-1469
Telephone: (408) 286-9800
9 Facsimile: (408) 998-4790

10 Attorneys for Defendant
GATECHINA, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 THEODORE PARISIENNE,
16 Plaintiff,
17 v.
18 GATECHINA, INC.,
19 Defendant.

CASE NO. 3:19-cv-04827-CRB

**DECLARATION OF JEFFREY M.
RATINOFF IN SUPPORT OF MOTION
FOR ADMINISTRATIVE RELIEF
SEEKING CLARIFICATION OF
ATTORNEY LEIBOWITZ'S *PRO HAC*
VICE ADMISSION STATUS**

[Civ. L.R. 7-11]

1 I, Jeffrey M. Ratinoff, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all courts of the State of
3 California, and am of counsel with Hopkins & Carley, a Law Corporation, attorney of record for
4 Defendant GateChina, Inc. (“Defendant”) in the above-referenced matter. I make this declaration
5 in support of Defendant’s Motion for Administrative Relief Seeking Clarification Regarding
6 Attorney Leibowitz’s Admission Status filed herewith in the above-captioned matter.

7 2. The facts stated herein are based on my personal knowledge, except with respect
8 to those matters stated to be on information and belief, and as to those matters, I believe them to
9 be true. If called upon to testify as a witness in this matter, I could and would do so competently.

10 3. Attached hereto as **Exhibit 1** is a true and correct copy of an Order to Show Cause
11 issued by Honorable James Donato In the Matter of Richard P. Liebowitz, NY Bar No. 5357702,
12 N.D. Cal. Case No. 3:19-mc-80228-JD, on September 20, 2019.

13 4. Attached hereto as **Exhibit 2** is a true and correct copy of Response to Order to
14 Show Cause filed by Richard Liebowitz In the Matter of Richard P. Liebowitz, NY Bar No.
15 5357702, N.D. Cal. Case No. 3:19-mc-80228-JD, on October 4, 2019.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of the Order of Disbarment
17 issued In the Matter of Richard P. Liebowitz, NY Bar No. 5357702, N.D. Cal. Case No. 3:19-mc-
18 80228-JD, on October 7, 2019.

19 6. On or about October 15, 2019, I learned about the Order of Disbarment. I emailed
20 Mr. Liebowitz shortly thereafter and asked that in light of his disbarment order, whether his local
21 counsel would take over representing Plaintiff Theodore Parisienne or there would be new
22 counsel substituting for Plaintiff. I further asked whether he intended to file the disbarment order
23 with the Court as required.

24 7. In response, Mr. Liebowitz stated that “I am admitted pro hac, the court granted it,
25 my local counsel is on the pro hac form” and did not indicate that he intended to file the Order of
26 Disbarment with this Court.

27 ///

28 ///

9. Based on the Court's resetting of the case management conference (Dkt. No. 16), I understand that the current deadline for the parties to hold their FRCP 26(f) conference is on November 22, 2019. I further understand that the deadline for the parties to exchange initial disclosures and file their joint case management statement and discovery plan is now December 6, 2019. *See* Dkt. No. 16. There is also an upcoming case management scheduled for December 13, 2019. In light of the Order of Disbarment and the lack of any admitted co-counsel appearing on behalf of Mr. Parisienne, it is unclear whether Mr. Liebowitz is able to continue representing Mr. Parisienne and enter into binding stipulations and agreements on his client's behalf in this Action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed the 5th day of November 2019, at San Jose, California.

/s/ Jeffrey M. Ratinoff
Jeffrey M. Ratinoff

EXHIBIT 1

FILED

SEP 20 2019

JD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 19

Case No. 80 228 MISC

IN THE MATTER OF

Richard P. Liebowitz, NY Bar No. 5357702

ORDER TO SHOW CAUSE

TO: Richard P. Liebowitz

To be eligible for admission to and continue membership in the bar of this Court, an attorney must be an active member in good standing of the State Bar of California. N.D. Cal. Civil L.R. 11-1(b). An attorney search on the State Bar of California's website, <http://www.calbar.ca.gov/>, indicates that you are not an active member of that bar.

Consequently, you are ordered to show cause **on or before October 4, 2019**, why your membership in the bar of this Court should not be terminated. If you fail to file a timely and adequate response to this Order, you will be removed from the membership roll without further notice.

If you have exercised, or pretended to be entitled to exercise, any of the privileges of membership in the bar of this Court when you are not in fact entitled to exercise such privileges, you may additionally be referred to the Standing Committee on Professional Conduct for possible sanctions for unauthorized practice pursuant to Civil Local Rule 11-8.

IT IS SO ORDERED.

Dated: September 20, 2019


JAMES DONATO
United States District Judge

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard P. Liebowitz
11 Sunrise Plaza
#305
Valleystream, NY 11580

2. Article Number

(Transfer from service label)

7009 0820 0001 7221 1088

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

19.80228 misc

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

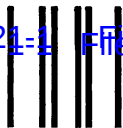
☐ Yes

WID-ISLAND

UNITED STATES POSTAL SERVICE

25 SEP '19

FM 1 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 30 2019

CLERK U.S. DISTRICT COURT
450 GOLDEN GATE AVE., BOX 36060
SAN FRANCISCO, CA 94102

SUSAN Y. ...
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFOR

JD

94102-366199

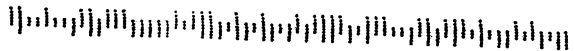


EXHIBIT 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN THE MATTER OF

Richard P. Liebowitz, NY Bar No. 5357702

Case No. 19-80-228-MISC

RESPONSE TO ORDER TO SHOW CAUSE

RICHARD LIEBOWITZ, being duly sworn, respectfully submits the following response to the Court's order to show cause, dated September 20, 2019.

1. My membership in the bar of the United States District Court for the Northern District of California should not be terminated because, pursuant to Local Rule 11-3, I have obtained local co-counsel, Gregory Goonan, Esq. on the plaintiffs' behalf to file a notice of appearance in every pending case which I have initiated.

2. I have already filed an application for *pro hac vice* in all pending cases before this Court pursuant to L.R. 11-3. Mr. Goonan has been designated as co-counsel and will file a notice of appearance within no later than thirty (30) days of the granting of said application.

Respectfully Submitted,
LIEBOWITZ LAW FIRM, PLLC

by: /richardliebowitz/
Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
(516) 233-1660
rl@liebowitzlawfirm.com

EXHIBIT 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF RICHARD P.
LIEBOWITZ,

Plaintiffs,

v.

RICHARD P. LIEBOWITZ,

Defendant.

Case No. [19-mc-80228-JD](#)

ORDER OF DISBARMENT

Re: Dkt. Nos. 1, 2

To be a member of the bar of this Court, an attorney must be an active member in good standing of the State Bar of California. N.D. Cal. Civil L.R. 11-1(b). An attorney search on the State Bar of California's website, <http://www.calbar.ca.gov/>, indicated that attorney Liebowitz is not an active member of the California bar, and so the Court issued an order directing him to show cause why his membership in the bar of this Court should not be terminated. Dkt. No. 1.

Liebowitz's response, Dkt. No. 2, is not responsive and does not say anything at all about his membership in the State Bar of California. He states that he has obtained "local co-counsel," Dkt. No. 2 ¶ 1, but that is not sufficient.

The Court consequently orders attorney Richard P. Liebowitz removed from the membership roll of the bar of this Court. In addition, attorney Liebowitz is ordered to disclose these OSC proceedings to any judge in this district before whom Liebowitz has a pending pro hac vice application.

IT IS SO ORDERED.

Dated: October 7, 2019



JAMES DONATO
United States District Judge